

MINUTES
HAMILTON COUNTY BOARD OF COMMISSIONERS
FEBRUARY 8, 2010
Commissioner's Courtroom
Hamilton County Government and Judicial Center
One Hamilton County Square
Noblesville, Indiana

The Commissioners met in Executive Session in Conference Room 1A at 1:00 p.m. Vice President Altman called the public meeting to order at 1:49 p.m. declaring a quorum present of Commissioner Christine Altman and Commissioner Steven A. Holt. Commissioner Dillinger was absent. Altman led the Pledge of Allegiance.

Approval of Minutes

Holt moved to approve the minutes of January 11, 2010 and January 25, 2010. Altman seconded. Motion carried unanimously.

Executive Session Memoranda

Holt moved to approve the Executive Session Memoranda of February 8, 2010. Altman seconded. Motion carried unanimously.

HIGHWAY BUSINESS

Open Road Cut Permit

Holt moved to approve Open Road Cut Permit RDCUT 2010-001 for Elbrecht Concrete at the location of 750 feet north of 216th Street on Dunbar Road for reconstruction of a regulated drain. Altman seconded. Motion carried unanimously.

Acceptance of Bonds/Letters of Credit – Highway Department

Holt moved to accept Bonds and Letters of Credit for the highway department. Altman seconded. Motion carried unanimously.

- HCHD #B-10-0004 – Ohio Farmers Insurance Company Performance and Payment Bond #0075198 issued on behalf of McCullough & DiBenedetto Excavating, LLC in the sum of \$385,650.00 for Small Structure Replacement #32084, Schulley Road over JH Leap Ditch. Bond to expire January 12, 2012.
- HCHD #B-08-0008 – Fidelity and Deposit Companies Continuation Certificate for License & Permit Bond #LPM7598819 issued on behalf of Central Engineering & Construction Associates, Inc., in the sum of \$25,000 for blanket bond covering open cut in county roads or work within right of way. Bond to expire March 10, 2011.
- HCHD #B-02-0116 – Merchants Bonding Company Continuation Certificate for Annual Permit Bond #IN 6241 issued on behalf of Daystar Directional Drilling in the sum of \$25,000 for general contractor. Bond to expire October 11, 2010.
- HCHD #B-10-0005 – Merchants Bond Safeguard Insurance Company License & Permit Bond #5036017 issued on behalf of Elbrecht Investments, LLC., dba Elbrecht Concrete, in the sum of \$10,000 for general contractor. Bond to expire when cancelled.

Agreements/Supplements

Small Structure #32081, Scherer Avenue/Scherer Drain

Mr. Jim Neal requested approval of Supplemental Engineering Agreement #2, HCHD #E-09-0005, for Scherer Avenue/Scherer Drain with Bernardin, Lochmueller and Associates. Holt moved to approve. Altman seconded. Motion carried unanimously.

Bridge Deck Overlay, Cumberland Road over White River

Neal requested approval of the LPA-Consulting Contract, HCHD #E-10-0001, with United Consulting for the bridge deck overlay on Cumberland Road over White River, ARRA Project Des #0901152. Holt moved to approve. Altman seconded. Motion carried unanimously.

INDOT-LPA Project Coordination Contracts

Neal requested approval of the INDOT-LPA Project Coordination Contracts for the following ARRA projects:

- Resurface of 146th Street from the Hamilton/Boone County Line to Ditch Road, HCHD #M-10-0014, Des. #0901032.
- Resurface of 234th Street from the city limits of Cicero to Overdorf Road, HCHD #M-10-0015, Des. #0901289.
- Pedestrian Facility along 146th Street from Cherry Tree Road to River Road, HCHD #M-10-0016, Des. #0901288.

Holt moved to approve. Altman seconded. Motion carried unanimously.

ARRA Certification Letters

Neal requested approval of the ARRA Section 1511 Certification Letters for Des. #0901032, #0901289, and #0901288. The letters certify these projects are an appropriate use of taxpayer dollars. Holt moved to approve. Altman seconded. Motion carried unanimously.

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Concurrence with Traffic Study Correspondence

Neal requested approval of the list of correspondence concerning investigations on Hamilton County Roads dated February 8, 2010. Holt moved to approve. Altman seconded.

- Ray Albritton concerning a resurface request for Ashbrooke Subdivision in Clay Township. Highway staff recommends no resurfacing at this time as the roads do not warrant inclusion in the county resurface program.
- Jennifer Walton concerning raised pavement markers on 146th Street in Washington Township. Highway staff recommends not installing raised pavement markers (RPM) at this time. Altman stated she understands the concern but is there any other way we can do a better job of marking or pinning those medians? Neal responded that there are things they can do but they have asked Ms. Walton for specific areas that need addressed. If it is a raised median they can add stick-on delineators; they are not needed in every location and he does not want to install them in every location. Neal stated Ms. Walton is free to respond with specific locations, which they will look at. Altman stated she lost that request in the response letter and asked Neal to make it apparent that we are interested in knowing the exact location(s). Holt stated he sympathizes with her at SR 32 and Little Chicago Road. Neal stated this is one he has no control over, it is a State issue. Holt stated there is no comment in his letter in regards to that intersection. Neal stated this request was received as an e-mail and the e-mail was responded to with the areas that were not in the county's jurisdiction and that those requests would be forwarded to the appropriate jurisdiction. Holt asked if we should send a copy of the original e-mail to INDOT with our affirmation that we believe what she is discussing is a problem and copy Ms. Walton.

Holt accepted the amendments. Altman seconded the motion with amendments. Motion carried unanimously.

Official Actions

146th Street & Herriman, 104th Street & Olio Road, Cumberland Road

Neal requested approval of the Official Action to install traffic control signal at 146th Street & Herriman Boulevard with no preferential street, 104th Street & Olio Road with no preferential street, and Cumberland Road across one lane bridge north of 166th Street with no preferential street. Repeal 104th Street STOP for Olio Road. Holt moved to approve. Altman seconded. Motion carried unanimously.

Bridge over White River on Cumberland Road

Neal reported he will be receiving a request from INDOT asking the county to approve the low bidder for the bridge over White River on Cumberland Road, which is an ARRA project. The approval will require a Commissioner's signature. Holt moved that either Holt or Altman be authorized to represent the other in signing the acceptance of the low bid. Altman seconded. Motion carried unanimously.

Announcements

SR 37 Study

Mr. Brad Davis reported the funding for the SR 37 Study was approved at the MPO (Metropolitan Policy Organization) Technical Committee meeting, if it goes through the policy committee we will have 80% of the study funded through the MPO.

Jobs Bill Projects

Davis reported he and Neal attended a meeting briefing them on the process of projects submitted through the Jobs Bill. The county does have some federal aid projects in the works that hopefully they can be moved to Jobs funding which is 100% funding. The Jobs Bill requires that 50% of the funds have to be awarded and the contracts signed within 90 days. These projects have to be ready right now to qualify. The second half of the Bill gives us seven (7) months from the time that the President would sign the Bill to get to a letting and awarding contracts.

236th Street Causeway

Holt asked what the status is on the causeway on 236th Street in Cicero? Davis stated he does not know, it is a Cicero project. Holt stated at one point the county submitted a letter stating that the county thinks this is an important project. Davis stated they did and the funding for design was approved several years ago. He does not know where it is in terms of design. Holt stated this project would not involve any land acquisition. Mr. Mike Howard stated there is land acquisition involved. On a City of Noblesville project in this area there were little pockets of land titled to the Indianapolis Water Company, which does not exist. Howard stated he has written a legal opinion letter stating that this land has always been used to support growth and the public use is there; INDOT did sign off on it. Holt asked Davis to contact Cicero and tell them what the City of Noblesville is doing on Carrigan Road and see if they are on track and explain how this is working. Davis responded he will find out the status.

Davis reported they are working on having 146th Street West ready. Holt asked when will it be shovel ready? Davis stated after we have purchased right of way. Altman asked if we have the money to purchase right of way? Davis stated right of way for the first section is estimated to cost \$2 to \$3 million. Howard and Davis will discuss funding options. Neal reported the preliminary utility field check was done last week. Thurman reported they hope to have the public hearing within the next three months and potentially start buying right of way in the fall of 2010, if we have funding. Altman stated we have money in County General and it would not hurt to ask Council.

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Highway Equipment Repair

Holt reported Jerry Rulon was very complimentary of the snow clean-up in White River Township. Rulon suggested the county contract with two or three farmers with heated shops in the northern part of the county so if highway equipment breaks down they could take the equipment to these shops for repair during a snow storm. This would avoid having to run the equipment back to Noblesville for simple repairs. Mr. Bob Davis will look in to this option.

Assistance to Sheriff's Department

Mr. Brad Davis reported he did have one concern during the snow event; the highway department was receiving calls from the Sheriff's Department requesting assistance to help pull cars out of the snow. Vehicle 109 was transferred to the Sheriff's Department for their use during these events but he does not think it is being used. Davis will speak further with Sheriff Carter.

IRTC Back-up Appointments

Altman stated during the annual appointments we discussed having back-ups to the IRTC Policy and Technical Committee but no action was taken. Holt moved to appoint Brad Davis as Altman's back-up on the policy committee. Altman seconded. Motion carried unanimously. Holt moved to appoint Jim Neal as Brad Davis' back-up on the technical committee. Altman seconded. Motion carried unanimously.

101st Street and College Private Traffic Control

Altman requested Neal contact the business at 101st Street and College Avenue in regards to private traffic control. They have no permit on file with the county.

BID OPENING

2010 Annual Highway Bids

Mr. Mike Howard opened the 2010 Annual Highway Bids in Conference Room 1A. Bids were received from:

Category #1 – Aggregates

Martin Marietta, U.S. Aggregates, Irving Materials

Category #2 – Bituminous Mixes

E&B Paving, Rieth-Riley Construction Company, Inc., Shelly & Sands, Milestone Contractors

Category #3 – Liquid Asphalt

Marathon Petroleum Company, Asphalt Materials

Category #4 – Drainage Pipe

Metal Culverts, Inc., St. Regis Culvert, Inc., CPI Supply

Category #5 – Pre-Engineered Timber Bridges & Components

American Timber Bridge

Category #6 – Gasoline/Fuel & Lubricants

Hamilton County Co-Op

Category #8 – Pavement Traffic Markings

GridLock Traffic Systems, Inc., The Airmarking Co., Inc., Interstate Road Management, Highway Technologies, Inc.

Category #9 – Weed & Brush Control

The Daltons, Inc., Townsend Tree Service Company, LLC, Vine & Branch, Inc., Cut Rite Services

[3:06] Howard reported the 2010 annual highway department bids were opened in Conference Room 1A. Bids were forwarded to the highway department staff for review and recommendation at the next meeting with copies ready for inspection at the start of business tomorrow (February 9, 2010). Davis stated the exception is the Salt category, he is holding on that bid. He has a meeting with the municipalities next week.

COMMUNITY DEVELOPMENT BLOCK GRANT

Neighborhood Stabilization Plan

Mr. Mark McConaghy reported a substantial amendment to the Neighborhood Stabilization Plan has been advertised. The amendments are:

- 1) Reduce Activity 1, down payment assistance from \$1,298,515 to \$570,000. This activity will serve about 20 households.
- 2) Increase Activity 2, purchase/rehab/re-sell or rent from \$585,967 to \$989,482 and include all residential property types. This activity will serve about 5 households initially. The entity holding the mortgage would be HAND.
- 3) Increase Activity 3; redevelop demolished or vacant properties from \$225,000 to \$549,287. This activity will serve about 4 households initially.

This is a four year grant but they only have 18 months to obligate all of the funds. Holt moved to approve the final amendment to this plan. Altman seconded. Motion carried unanimously.

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Release of Funds - Cicero Washington Street Sidewalks

Holt moved to approve the release of funds for the Cicero Washington Street sidewalk project from the Community Development Block Grant. Altman seconded. Motion carried unanimously.

Our Lady of Mt. Carmel – Matthew 25 Center Contract

McConaghy requested approval of a contract with Our Lady of Mt. Carmel – Matthew 25 Center for Rent Assistance in the amount of \$12,212 for a case manager to provide rental assistance to Hamilton County residents meeting the income guidelines. They are coordinating with the township trustees and Good Samaritan. Holt moved to approve. Altman seconded. Motion carried unanimously.

Execution of Mortgage Documents

McConaghy requested authorization for the Noblesville Housing Authority and HAND to review, approve and sign closing documents as necessary for the Down Payment Assistance Program. Persons with authorization would be:

- Executive Director, Noblesville Housing Authority
- CDBG Coordinator, Noblesville Housing Authority
- Director, HAND, Inc.
- Program Manager, HAND, Inc.

Holt asked if this needs to be concluded today? McConaghy stated they have several clients ready to close. Altman stated what would make sense is some kind of approved documentation that is a standard form that they would have authority to execute up to a certain dollar amount. Without that document in front of the Commissioners, they can not approve it. Have any documents been provided to the attorney's office for review? McConaghy stated he was not sure how to create such a document. Holt asked if the County is a signatory? McConaghy stated in this case the mortgage companies are asking what their authority is to sign the documents. Holt stated authority is different than liability; a resolution may be the key. Altman stated we need some kind of document; we are the acceptor of the mortgage. It is our approval of the form and a resolution to the closer that it is ok to accept this form and disperse funds on it. Holt and Altman requested McConaghy continue working with the attorney.

BUILDINGS & GROUNDS

Workout Room

Altman asked Dan Stevens what the status is of locating a space for an employee workout room. Stevens reported he and Steve Wood have identified a space. Wood stated he has been unable to clean out the room due to the snow; once the snow stops they will begin cleaning out the room. The room is located on the lower level across the hall from the Buildings & Grounds office. Altman stated later in the agenda is a request to use space in the historic courthouse for exercising, do we need two places? Wood stated in his opinion no. Stevens stated once the room on the lower level is available then the room in the historic courthouse will not be needed.

Buildings & Grounds Service Contracts

Wood requested approval of service contracts for 2010. All contracts cover all buildings, including the new facilities Holt moved to approve the annual contracts as submitted with McQuay, Mid-America Elevator, Grunau and Precision Control Systems. Altman seconded. Motion carried unanimously. Commissioners will sign the documents.

Snow Removal

Wood informed the Board that he is adjusting his staff's shifts to accommodate the expected snowfall and removal. They will be working 12 hour per day shifts to cut down on the overtime.

EMERGENCY MANAGEMENT AGENCY

Grant Agreement – Regional Public Safety Grant

Mr. David Bice requested approval and signature on the Indiana Department of Homeland Security Regional Public Safety Grant Agreement, EDS #C44P-0-030A. Bice stated this is a grant in the amount of \$14,350.00 for District 5 fire training. Holt moved to approve. Altman seconded. Bice stated Hamilton County is the fiscal agent for District 5 and handles the submittal of pay vouchers to the Indiana Department of Homeland Security and payment of claims submitted for reimbursement. Motion carried unanimously.

Winter Storm Briefing

Bice reported Hamilton County has been issued a Winter Storm Warning for heavy snow in effect from Monday night (February 9, 2010) through Tuesday night (February 10, 2010). Anticipated amounts are 6-9 inches with the highest amounts north of Indianapolis. They are also calling for 20-25 MPH winds with gusts around 35 MPH or higher. More drifting is expected. Hamilton County EMA (Emergency Management Agency) will be setting up an emergency operations center at the Cicero Fire Department as a central location to the northern part of the county. Altman asked Bice to forward the Commissioners their sign-in information for the Web EOC. Holt asked when are the winds expected? Bice replied Tuesday night and Wednesday during the day and should be calmer Wednesday night.

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Storm Warning Levels

Altman reported they are having an issue with the State changing the emergency levels of the roads without information; we want to make sure Hamilton County aligns with the State levels. The news media has accepted the State's language. Bice reported the State removed the Levels 4, 3, 2 1; which was confusing to the general public. Hamilton County's Level 2 was a Travel Warning and Level 1 was a Travel Emergency. Hamilton County issued a Level 2, which says we would like you to stay home, don't travel unless you have to go to work or school but be very careful. The media picked up on that, Hamilton County posted it to the State and the State posts it on their web site. The media looked at the county web site, which stated we were under a Warning (old Level 2) and immediately issued that Hamilton County was under a Snow Emergency (public safety only, no unauthorized travel allowed). Bice would like Hamilton County's emergency levels to match the State's levels to avoid this confusion in the future. Altman stated the problem is the Travel Warning, which is the highest level the State has, does not say whether travel is or is not restricted to emergency personnel, it states it "may be" restricted. Altman stated the State's level does not have an emergency level. Altman stated when Hamilton County went to its highest level, we closed roads, and the State does not have that high of a level. There is no level in the State system that alerts people that they should not travel or they will be arrested. Bice stated they would not shut the entire State down at one time so they would not have that level. Altman stated we need to have another level that clearly tells people that if they are on the roads the Sheriff's Department can arrest them. Bice stated that is what the State's Travel Warning is, no traffic on the road. Altman recommended removing the word "may" and replace with "shall". Holt stated he thinks we need to dovetail what the State is doing. Sheriff Carter stated one of the other issues was the enforceability of the county ordinance because of the municipalities; they can drive in Cicero and Noblesville but not in between. Altman stated the county ordinance can only affect county controlled roads. Holt stated the last thing the Sheriff is going to want to do at that point in time is stop and write somebody a ticket. Carter stated that is what led to a lot of discussion by employers calling his department and asking who is going to pay for their employees missing work? Altman stated we have to have a situation where we can tell people to stay off the roads because if we get stranded we will remove your car. Carter asked if there could be one more level? Bice reported the State will not make another level. The State's Travel Warning is what they expect us to declare in an emergency and send them a copy of the declaration. Holt stated he thinks we should stick with the State definitions. Altman stated she does not disagree but it is conflicting. Holt stated then we can tell people in our broadcast that we direct you to refrain, which gives us the ability to do under this definition. Altman stated we would restrict; Holt stated this definition says we can direct to refrain from all travel (comply with all necessary measures). Holt stated let's leave the word "may", this definition gives us the ingredients to do what we want to do. Holt stated ours should be verbatim of the State's. Holt moved to adopt the Homeland Security Definitions. Altman seconded. Motion carried unanimously.

Carter stated based on what they experienced this weekend, which is one of the worst case scenarios in regards to abandoned vehicles; this is one of the biggest issues in particular to the Commissioners and responders. Carter agrees it should mirror what the State says but maybe a caveat that if your vehicle is abandoned it will be removed at your expense. Altman stated she thought the current ordinance states that, they have to call dispatch to notify the Sheriff's Department that their vehicle has been abandoned at a certain location. Altman stated they are tweaking the ordinance to include using a plow to move the car out of the way during a really bad event. Holt stated in a really bad event we would not know if the car was in the way. Altman stated there is more work to do on this but let's adopt what the State has; we need to advocate to the State that these definitions are not descriptive enough. Motion carried unanimously. Holt asked Bice to pull the ordinance, make sure it is correct and share it with the media (at least local newspapers) as to what Hamilton County's ordinance is on abandoned vehicles. Bice stated currently they are in the process of writing a new ordinance which will explain this better. Holt asked Bice to send him a copy of the old ordinance.

NOBLESVILLE TOWNSHIP ASSISTANCE APPEAL

David Thatcher, Assistance Appeal

Mr. David Thatcher, 337 N. 11th Street, Apt. C, Noblesville, reported he is appealing a decision of the Noblesville Trustee to deny him help with his rent. On December 31, 2009 at approximately 5:30 p.m., he went to the store and somewhere between that time and 8:00 a.m. January 1, 2010 he noticed his billfold was missing. He retraced his steps but could not find it. He did not report the missing billfold to the police. When the landlord came to collect the rent he told him what had happened and he was going to apply for assistance from the Noblesville Trustee. This is the first time he has requested assistance and he tries to make it on his own. He receives disability and only receives a check every two weeks so he is barely getting by. He provided the Trustee with all the requested paperwork. When he spoke with Ms. Stern of the Trustee's office he was informed he was being refused help because he did not file a police report; he responded to her with why would I need to file a police report over a lost item, he never said it was stolen, obviously somebody picked up the wallet as it was never turned in to the grocery store. He has lost 80% use of his left arm and neuropathy in his legs, so he can't stand too long. Thatcher stated he needs help with his rent or he will be evicted. He has paid his landlord the February rent. Holt stated in the Trustee's response it says he failed to comply with Work Fair requirements, are you familiar with what was requested of you for Work Fair? Thatcher stated yes, he has a copy of the Indiana Code and if he could work he would not be on disability. Holt stated his question was if some Work Fair requirement was given to you to receive the benefit? Thatcher stated no, it was pretty self evident to them that they said there were never any requirements. Holt asked Thatcher if he refused to do something that he was asked to do? Thatcher stated no sir.

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Ms. Vicki Whiting, Intake Coordinator Noblesville Township Trustee's Office, reported they did request Mr. Thatcher file a police report because the money was missing and not returned to him so it was stolen. Thatcher reported to them that his wallet had dropped out of his pocket at home, when he got out of the car but he was sure it dropped out there. Another fact was that he did receive previous assistance in Jackson Township; she does not know if he was assigned Work Fair or not, that goes along with assistance received and we can deny on that fact. They did refer him to Good Samaritan for the rent. He came back with that he is disabled and can not do Work Fair and Whiting told him that they have people on breathing machines and in wheelchairs that do Work Fair. Altman asked if they specifically asked him to do Work Fair, you heard him say he was not asked. Whiting stated that came from Jackson Township, for receiving assistance there. She does not know if they told him he had Work Fair to finish or not. When she investigated and spoke with Jackson Township and she was told yes, he had received assistance. She asked if he had done the Work Fair and they told her no. For them (Noblesville Township) it is a denial. Holt asked when was the assistance in Jackson Township? Whiting responded April 14, 2009. Holt asked if he resided in Jackson Township at that time? Whiting stated yes he did. Holt asked if he lives in Noblesville Township? Whiting stated yes he does. Holt asked if Jackson Township gave him assistance? Whiting stated yes they did. Holt stated so if he moves to Noblesville and he can't pay his rent it is a denial if he has had it previously in another township? Whiting stated yes. Holt asked how long do you have to live in this township to receive assistance? Whiting stated until the Work Fair. Holt repeated how long do you have to live in this township to receive assistance? Whiting stated you have to have been in your place of residence one month. Holt asked if he (Thatcher) had been in his place of residence one month? Whiting stated she believed so, yes. Holt stated the basis of the denial was that he did not do Work Fair? Whiting stated it was and the police report. Holt asked what Work Fair did you ask him to do? Whiting stated they give them several choices; the library (they give people projects that they can take home), their food pantry, Third Phase, St. Vincent DePaul. Holt stated so you did not send him to a specific location? Whiting stated no. Holt asked how many hours would he have to do in order to get the assistance? Whiting stated about 90 hours. Holt asked if she heard him say he did not know anything about it? Whiting stated yes, she did hear him say that. Holt stated that would not be accurate? Whiting stated that she does not know. That would have come from Jackson Township; at the time of his assistance from the Jackson Township Trustee. Holt stated he thought you said he got assistance from Jackson Township? Whiting stated he did but the Work Fair would have been assigned from Jackson Township. Ms. Billie Caldwell, Noblesville Township Trustee, stated when someone owes Work Fair in another township we can use that as a form of denial if they have not done that Work Fair. Holt stated thank you. Holt stated so he was denied because he did not complete his obligation to Jackson Township? Do you know where they sent him to work? Caldwell stated she thinks they work around the Jackson Township office in the fire barn. Holt asked if it was 90 hours for Jackson Township? Altman asked if they have Work Fair that would accommodate his statement that he can not stand? Caldwell stated yes. Altman asked if they have different things that he could do sitting? Caldwell stated yes, the library will let them take things home, such as book reviews, watch movies, etc. We denied him but we did tell him where he could go to get help. Whether he did or not she does not know. Holt stated so he will never be able to get assistance from any Hamilton County Trustee until he clears up Work Fair with Jackson Township? Caldwell stated that would be the individual township's choice, but that is State law. Holt stated don't you all try to work off the same page of the book? Caldwell stated yes they do. Holt asked if it would be her counsel to him that if he ever wants assistance again he needs to see the Jackson Township Trustee to clear up that matter? Caldwell stated yes or they could even do it in Noblesville since he lives here. Holt asked if he left understanding that? Caldwell stated she does not know that. Whiting stated she told him places to go; his answer to her was that he could not because he is disabled. Holt asked if she told him he would never get assistance until he cleared up this obligation? Whiting stated no, the conversation ended. Holt asked Thatcher that knowing now he will never get assistance in Noblesville Township until he straightens up the Work Fair in Jackson Township, do you think you could take on one of those things? Thatcher replied in response to some of the things they are saying, when he was with Joe Robbins in Jackson Township in Arcadia, before he moved here (Noblesville) it was pretty self explanatory that they did not offer him any job fair because he is disabled and in the definition of disabled and getting benefits from Social Security you must not be able to work. If he is seen working then it scratches his benefits. Altman stated Work Fair does not qualify as terminating his benefits. Thatcher stated he does not know or not, he is only familiar with the Social Security laws as far as if you can work then you can't get benefits. Altman stated it depends on the type of employment. Thatcher stated he does not know the specifics but that is his basic understanding. Altman asked Caldwell if she is aware of anything that would disqualify him for Social Security if he does Work Fair? Caldwell stated no she is not. Caldwell stated Work Fair is volunteering his time for assistance giving, the only thing they do is figure it at minimum wage. They would never make someone do something that they were not capable of doing. Altman stated if he is not getting paid directly that would disqualify him from Social Security benefits? Caldwell stated right. Another situation is that he questioned the amount of food stamps he was getting and he stated to us that he lived alone and when she found out the amount of food stamps he was receiving she questioned it and found out he has a son that lives with him, which he failed to tell us. This was after the fact. Altman asked if this is a minor or adult son? Caldwell stated an adult son. Altman asked if he is contributing to the household? Caldwell stated she does not know. Holt asked Thatcher if he went to Good Samaritan? Thatcher stated he has no transportation, it is in Fishers so he did not even make the attempt because you have to travel down there. Altman stated you don't know that until you call them, you were advised to call them; you don't know what their requirements are for assistance until you call them. Thatcher stated isn't it obvious if you go to the Trustees office to ask for assistance and that you would go to the Good Samaritan office in Fishers? Altman stated nothing is obvious until you know facts and you don't know those facts. Thatcher stated he has no transportation. Holt stated he does not know that you have to go in, it is at SR 37 and 131st Street, you should have called them if that is what you were advised to do to see if they could help you. Altman stated Hamilton County has on demand transit that would have gotten you there and taken you back for a small fee. Thatcher stated he understands, he gets \$674 per month, he lives

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on \$40 for four weeks. Altman stated they may have vouchers but you won't know until you call them. It is hard for us to help you when you don't attempt to help yourself. Thatcher stated he does not have money to provide for a phone, how is he going to call? Holt stated he could have called from the Trustee's office. Thatcher stated he supposed he could have, if they gave him the number. He has had access to his neighbor's phone at one time, but not every time. Yes, he does have an adult son and they live together, he is unemployed and he has no unemployment benefits and he has no transportation. He has to walk everywhere and given the weather he can't get a job right now. He has no phones to help him on transportation, through provision for both of us is the reason he asked for help from the Trustee. The Work Fair, if it is within walking distance around here, yes he could do that. As far as Jackson Township they never asked anything about any kind of Work Fair; they helped him one time on an electric bill, the rest of time he visited the office up there for vouchers for St. Vincent DePaul. The reason he gets that amount of food stamps is for himself and his son. If it weren't for that they would have to eat out of Third Phase every month. Holt stated obviously you are going through a tough time, the Trustee is not your adversary and you are showing a little bit of an edge this afternoon. Holt understands that he is frustrated and this is not the path of life you want to walk down, you have learned some things and Commissioner Altman is right, there are vouchers for Hamilton County transportation and would not be surprised that the Trustee would have some in her drawer, if you come in and show an edge people are not going to go the distance for you. There was probably a phone that you could have used. Holt stated he will need to get this Work Fair straightened out or he will probably have a problem in the future. If you are living in Noblesville Township you should fix it. Holt suggested Thatcher find out what they have available that you could do, get that cleaned up, call and find out if they can help you for the January rent because that is what you were told to do in the first place and see if they can help you out at Good Samaritan. If they can't do your Work Fair, it is certainly easy enough to call the police department and tell them it is stale but I want you to know this has happened and will you write up a report for me and then you have complied with the things they have asked you to do, which under the law they can ask you to do. Thatcher replied how do you file a police report on a lost item? Holt stated common sense says that might be true but they have the rule book and it falls under the category of you didn't get it back so it may be lost or it may be stolen, who knows, just file the report. Holt stated then you would not have been here this afternoon and your landlord would be taken care of, it still sounds like it is fixable. Thatcher stated it is. Holt stated it still sounds like there is an ability to re-file if you do the things the Trustee asked you to do. Holt moved to deny the appeal. Altman seconded. Motion carried unanimously.

LIABILITY TRUST CLAIMS

Hinesley Claim

Mr. Dan Papineau, requested approval to pay an invoice payable to Hinesley Incorporated in the amount of \$6,034.25 from the water damage in the Judicial Center. Holt moved to approve. Altman seconded. Motion carried unanimously.

Worker's Compensation Claim

Papineau requested approval of payment of the Worker's Compensation claim discussed during today's Executive Session. Holt moved to approve. Altman seconded. Motion carried unanimously.

COMMISSIONER COMMITTEE REPORTS

911 Legislation

Altman reported her, Judy Levine and Sheriff Carter testified at the Statehouse regarding the proposed 911 legislation.

Tax Collection Software

Altman stated the testing for the new tax collection software is being held. All of the tests have been positive and is working as anticipated.

Noblesville Stray Animal Contract

Holt asked Howard what the Noblesville City Council did with the 2010 Stray Animal Contract? Howard reported the Council heard the presentation and he thinks they were inclined but nobody made the motion to take it off the table until the end of the meeting at which time they did agree to have it put on their agenda for tomorrow evening.

ADMINISTRATIVE ASSISTANT TO COMMISSIONERS

Noblesville Noon Kiwanis Club

Mr. Dan Stevens stated the Noblesville Noon Kiwanis Club has requested permission to post the flags around the Square program in May, over the Memorial Day weekend. Holt moved to approve. Altman seconded. Motion carried unanimously.

National Day of Prayer

Chaplain Tom Burton has requested permission to use the historic courthouse square for observation of the National Day of Prayer on May 6, 2010 from 11:00 a.m. to 1:00 p.m. Holt moved to approve. Altman seconded. Motion carried unanimously.

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Pinwheels for Prevention

Stevens requested permission to allow the Pinwheels for Prevention display on the courthouse square on April 27, 2010. This is sponsored by Prevent Child Abuse America. Holt moved to approve. Altman seconded. Motion carried unanimously.

Third Floor Office in Historic Courthouse

Stevens reported three employees of the Treasurer's office have requested permission to use an office on the third floor in the historic courthouse as an exercise area during their lunch period, they will not need equipment. The fire marshal did look at the room and has no problems with using the room; he has asked that we put a safety bar across the two windows because the windows go from floor to ceiling to prevent them from breaking the windows. Altman asked if this is for temporary use until we open the other exercise room, do we want to go through this expense? Holt stated he does not. Altman asked Stevens to let these employees know that within the next week or so we will have facilities in the Judicial Center that will be much safer.

Noblesville Lion's Club Pork Fest

Stevens requested permission to allow the Noblesville Lion's Club to hold their annual Pork Fest and Pancake Breakfast on the courthouse lawn June 4-5, 2010. Holt moved to approve. Altman seconded. Motion carried unanimously.

Clay Township Regional Waste District Wage Board Appointment

Holt moved to appoint Dave DeVilbiss to the Clay Township Regional Waste District Wage Board for 2010. Altman seconded. Motion carried unanimously.

Community Corrections Project Change Order

Stevens requested ratification of an earlier approval for a change order for the Hamilton County Community Corrections project, EMA remodel. The change order is for floor covering for the EOC (Emergency Operations Center) and hallway around this area in the amount of \$15,629.00. Stevens reported there was no floor covering specified for this area in the plans. Holt moved to ratify the action. Altman seconded. Motion carried unanimously.

Alternative Services Contract

Stevens requested approval of the ASC (Alternative Services Contract) for 2010 dated February 1, 2010 to February 1, 2011. Holt moved to approve. Altman seconded. Motion carried unanimously.

Baker & Daniels Lobbying Agreement

Stevens requested approval of the Terms and Conditions of Engagement with Baker & Daniels for the 911 Wireless Fees/2010 Indiana Legislature. Holt moved to approve. Altman seconded. Motion carried unanimously.

Employees Delinquent Property Tax List

Stevens requested the Commissioners set a due date for employees to pay their delinquent property taxes before their checks are garnished. The Commissioners agreed to set the due date 30 days from the letter being sent out.

Recorder's Office Closure

Holt moved to ratify the action closing the Hamilton County Recorder's office on Tuesday, February 9, 2010 from 10:00 a.m. to 1:00 p.m. for Buddy Clark's funeral. Altman seconded. Motion carried unanimously.

AT&T's Request for Building Permit

Stevens reported the City of Noblesville has sent a letter to the Commissioners informing them that AT&T has requested a building permit to construct an equipment shelter and replace the antenna on the site of the old cell tower located at 18100 Cumberland Road. Altman asked if AT&T has contacted anyone on the county level? Sheriff Carter was unaware of any request. Altman asked if there is a pre-existing agreement with the county to allow them onto our property? Carter stated there was a request to add some equipment to the tower and Carter suggested AT&T have a study done of that tower and then come before the Commissioners, he was not aware of any building. Altman stated our reaction to the City of Noblesville would be that it is unauthorized at this point. Stevens reported he thinks Noblesville's assumption was that whenever the current vendor's lease on the tower has expired the tower would no longer have private vendors on it; that was the presentation made to the City of Noblesville when we applied for permits to build the new tower. Altman asked if we represented that we would take the tower down? Stevens stated we did represent that the tower would eventually come down for expansion of the Jail. Howard stated eventually, not because the expiration of a lease, the Master Plan for the site shows the property would ultimately be used for buildings. There was no representation as to the years the old tower would remain. Altman stated we have discussed using the tower for Ham radios and a repeater. Altman stated it is important that AT&T know they can not do anything on our property without our permission. Howard stated the AT&T lease is an automatic five year renewal unless we give them notice. Holt asked when is the notice due? Altman asked that all of the leases on that tower be pulled; we have discussed that the vendors are underpaying to be on that tower and we were going to catch them as they are renewed. Carter will provide a list of vendors and contracts for the next meeting. Howard stated the Commissioners signed the current lease in 1996; the annual rent was increased from \$5,000 to \$7,000. We agreed to allow the initial

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term, which was concluded on October 31, 2001, and an automatic renewal at the lessee's option for additional five year terms. This contract is good until 2021. Altman asked if there is no negotiation, just a pure option? Howard informed the Sheriff that AT&T can not do anything at this site until they come before the Commissioners. Altman asked Stevens to let the City of Noblesville know they have not discussed this change with us.

ISSD Request to Transfer Equipment

Stevens reported the ISS Department has requested permission to transfer two (2) unused scanners to Madison County. These scanners are scheduled to go into the next county sale. Altman asked what is the value? Holt moved to table to give Stevens time to find out the value of the scanners. Altman seconded. Motion carried unanimously.

Don Hinds Ford Business Promotion

Stevens requested approval of the dissemination of a business promotion from Don Hinds Ford to all county employees. Don Hinds Ford is offering free vehicle pick-up and delivery to county employees while they work on their car.

Teamwork during Snow Event

Stevens presented a memo from him to the Commissioners commending the Buildings & Grounds staff and Sheriff's Department for their teamwork during the snow event from last weekend. Holt moved to approve. Altman seconded. Motion carried unanimously.

Medivac Service

Holt asked Stevens to forward a letter to the Insurance Committee regarding contracting for a Medivac service to piggyback on our health plan; this would provide coverage if we have an employee who is out of the country to transport them to medical services.

Stevens Vacation

Stevens reported he will be on vacation February 15-19, 2010.

ATTORNEY

Ordinance 2-8-10-A, Surveyor's Fees

Howard introduced Ordinance 02-08-10-A, An Ordinance of the Hamilton County Commissioners Concerning Fees Charged by the Hamilton County Surveyor. Holt moved to approve. Altman seconded. Motion carried unanimously.

SHERIFF

Snow Event

Carter stated he believes he may have overstepped his bounds by changing the weather advisory over the weekend, in hindsight he should have called both of the Commissioners early Saturday morning when it was happening so they knew what was happening primarily in one quadrant. The foresight for breaking the county down in quadrants is good, in Noblesville everything was fine but north and east it was not that way. Carter thanked Steve Wood and his staff, his request to Steve came very early Saturday morning and they were able to help with removing cars and drivers out of their vehicles. Carter stated he has concerns about abandoned vehicles and he will make it an issue and try to define it for what is forecast for the next two days. The primary purpose Saturday morning was to find out if anybody was still in the abandoned vehicles. There were many people in the vehicles so getting them removed and the road open was not the initial priority but once it became a priority it was a challenge with so many abandoned vehicles in so many places. There were 75-80 abandoned vehicles. Holt asked how many were in the roadway verses in a ditch? Carter responded 75-80. Holt asked Carter if he knew now what he learned Saturday morning when people were deciding SR 37 is closed and they cut across country, would there be something he would have done differently or have something posted to state "don't cross country" or "local traffic only"? Carter stated he does not have the answer for that, the timing of the semi crash was horrible and by the time they realized what was happening they could not get to the folks that were stranded. Carter stated he does not know how they would have better coordinated it; it went very well once they identified the problem. Carter will keep the Commissioners informed of what is happening in the next 48 hours. Holt asked if the State Police were in charge of this or the Sheriff's Department? Carter responded the Sheriff's Department. Holt stated that corridor is going to be a problem in the future; would it make sense to tell people to turn around and go back to the fairgrounds? Carter stated yes and many people were. They took several people from their cars and brought them back to the Noblesville area, either the Sheriff's Department or The Fairfield Inn. Carter stated he does not know how he would have mitigated it even knowing what they know now. Holt suggested in the next event to block the east-west roads or sign them they are for local traffic only. Carter stated even with signs they will drive around them or won't see them. Carter stated the people with snowmobiles were very helpful; they were able to get to the north-south roads where we were unable to get to. Joe Miller used his "V" plow to help.

Smoking

Altman stated she has had concerns at the Historic Courthouse that we don't restrict smoking to one entrance; you are walking in and out where people are smoking, it stinks and you know smell like a cigarette just walking past the smokers. Altman stated she would like to consider, at our next meeting, having one of the least used entries to that building designated as the only exterior smoking for that building and work ourselves down. It is not fair to our

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employees or visiting public to run the gauntlet at every entry. Altman stated we also need to look at the facility downstairs in the Judicial Center, as you walk through and go past all of the snow blowers and equipment that is stored inside and it should be stored in that outside heated area that is now a lounge. Buildings and Grounds has laid out how they can get all of their equipment in that room. Altman stated we will have to decide if we are going to provide alternate shelter.

AUDITOR

Release of Bonds/Letters of Credit – Drainage Board

Ms. Dawn Coverdale requested approval of the release of Bonds and Letters of Credit for the drainage board. Holt moved to approve. Altman seconded. Motion carried unanimously.

- HCDB-2006-00027 – Safeco Insurance Company of America Performance Bond #6414691 for Britton Falls – A.J. Meyers Drain Reconstruction in the amount of \$430,242.00.

Payroll Claims

Altman moved to approve the payroll claims for the period of January 11-24, 2010 paid February 5, 2010. Holt seconded. Motion carried unanimously.

Vendor Claims

Holt moved to approve the Vendor Claims to be paid February 9, 2010. Altman seconded. Motion carried unanimously.

Holt moved to adjourn the meeting. Altman seconded. Motion carried unanimously.

Commissioners Correspondence

Letter from Senator Kenley re: Senate Bill 282 and House Bill 1201

American-Egyptian Org, for Friendship & Welfare of Peoples requesting support

DNR Notification of National Register of Historic Places

Taylor Ten Archaeological Site - Noblesville

INDOT Notice of Jobs Bill for Main Street Act of 2010 (Jobs Bill)

IDEM Notice of Receipt of Sewer Permit Application

Avalon of Fishers, Section 4B - Fishers

Brighton Knoll, Section 3 – Noblesville

IDEM Notice of 30-Day Period for Public Comment

Duke Energy Indiana Noblesville Generating Station

IDEM Construction Permit Application

Anderson Hall, Section 7 - Fishers

Little Chicago Road Sanitary Sewer – Noblesville

Certificate of Liability Insurance

Burtner Electric, Inc.

Fredericks, Inc.

DNR Division of Water Notice of Presentation

Operation Stay Afloat 2010

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Present
Christine Altman, Commissioner
Steven A. Holt, Commissioner
Dawn Coverdale, Auditor
Dan Stevens, Administrative Assistant to Commissioners
Kim Rauch, Administrative Assistant to Auditor
Michael Howard, Attorney
Doug Carter, Sheriff
Brad Davis, Highway Director
Jim Neal, County Highway Engineer
Joel Thurman, Highway Project Engineer
Brandi Wariner, Highway Public Service Representative
Mark Fisher, Highway Project Engineer
Christopher Burt, Highway Engineering Technician
Tim Knapp, Highway Right-of-Way Manager
Matt Knight, Highway Bridge Program Engineer
Faraz Khan, Highway Staff Engineer
Kathy Howard, Highway Department Administrative Manager
Bob Davis, Highway Superintendent
Bill McCormick, CPI Supply
Nancy Nance, Hamilton County Co-Op
Becki Wise-Kent, USI
Mark Jones, E&B Paving
David Bice, EMA
David Thatcher, Noblesville Township Assistance Appeal

APPROVED
HAMILTON COUNTY BOARD OF COMMISSIONERS

ATTEST

Dawn Coverdale, Auditor